

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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In re :
 : Chapter 13
COLEMAN A. GREEN :
 : Bankruptcy No. 22-13242 (MDC)
Debtor. :
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**THE CITY OF PHILADELPHIA’S
OBJECTION TO THE PROPOSED FIRST AMENDED CHAPTER 13 PLAN**

TO THE HONORABLE MAGDELINE D. COLEMAN:

AND NOW, comes the City of Philadelphia, (the “City”), a secured creditor in the above-captioned case, by and through its Counsel, Pamela Elchert Thurmond, Senior Attorney, pursuant to Bankruptcy Code §§ 506(b), 1325(a)(5), and L.B.R. 3015-4, to object to the proposed first amended Chapter 13 plan (the “Plan”), of the above-captioned debtor, (the “Debtor”). The City avers the following in support thereof:

1. On December 5, 2022, the Debtor filed a voluntary petition for Chapter 13 bankruptcy with this Court.
2. On January 3, 2023, the Debtor filed a list of all real property owned by her, which included the properties located at 1113 Stewart Place, Philadelphia, Pennsylvania (the “Subject Property”). A copy of the Debtor’s Schedule A/B is attached hereto as Exhibit A.
3. The Debtor values the Subject Property at a current value of Two Hundred Forty-Seven Thousand and One Hundred Dollars (\$247,100). See Exhibit A.
4. On May 5, 2023, the City filed a claim in the amount of Thirteen Thousand Six Hundred Forty Dollars and Fifty-Four Cents (\$13,640.54) of which \$5100

is a secured claim for a judgment on the Subject Property (the “Secured Claim”). A copy of the proof of claim filed by the City is attached hereto as Exhibit B.

5. As neither the Debtor nor another party in interest has objected to the Secured Claim, it is deemed allowed. See 11 U.S.C. § 502(a).

6. On January 25, 2022, the Debtor filed the Plan, which provides for the payment of the Secured Claim, but fails to provide for post-petition interest to the Secured Claim. A copy of the Plan is attached hereto as Exhibit C.

7. The City is entitled to post-petition interest on the Secured Claim until the last payment under the Plan. See 11 U.S.C. § 506(b); See also U.S. v. Ron Pair Enters., 489 U.S. 235 (1989), In re Nixon, 404 Fed. Appx. 575, 578 (3d Cir. 2010), In re Bernbaum, 404 B.R. 39, 42 (Bankr. D. Mass. 2009), and In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

8. The post-petition interest applicable to the judgment portion of the Secured Claim is the six percent (6%) statutory interest rate of interest on judgment entered against the Debtor. See U.S. v. Ron Pair Enters., 489 U.S. 235 (1989), 42 Pa.C.S. §8101, and 41 P.S. § 202.

9. The Plan should not be confirmed as the City, a secured creditor, has not accepted the plan. See 11 U.S.C. 1325(a)(5)(A).

10. The Plan should not be confirmed as it fails to provide post-petition interest on the Secured Claim and thus does not ensure that distributions under the plan are not less than the allowed amount of the Secured Claim. See 11 U.S.C. §§ 506(b), 1325(a)(5)(B)(ii), In re Bernbaum, 404 B.R. 39, 42 (Bankr. D. Mass. 2009) and In re Soppick, 516 B.R. 733, 753 (Bankr. E.D. Pa. 2014).

WHEREFORE, the City respectfully requests that this Court DENY confirmation of the Plan.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: May 31, 2023

By:

/s/ Pamela Elchert Thurmond

PAMELA ELCHERT THURMOND

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